

**Pennington Borough Council  
Regular Meeting – October 6, 2014**

Council President Tucker called the Regular Meeting of the Borough Council to order at 7:00 pm. Borough Clerk Betty Sterling called the roll with Council Members Davy, Gnatt, Griffiths, Lawver, Marciante and Tucker in attendance. Mayor Persichilli was absent.

Also present were Borough Administrator Eileen Heinzl, Superintendent of Public Works Rick Smith, Public Safety Director Bill Meytrott and Borough Attorney, Walter Bliss.

Council President Tucker announced that notice of this meeting has been given to the Hopewell Valley News, The Times of Trenton and was posted on the bulletin board in Borough Hall and on the Borough website according to the regulations of the Open Public Meetings Act.

Council President Tucker asked everyone to stand for the Flag Salute.

**Open to the Public – Agenda Items Only**

Mayor Persichilli read the following statement:

Meeting open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

**Mayor’s Business**

Mr. Steve Kohke was scheduled on the agenda to discuss encroachment of a driveway and fence on a Borough sewer easement. Mr. Tucker stated that Mr. Kohke does not appear to be present so he would move on with the agenda.

Mr. Tucker stated that later in the meeting he will be discussing a 125<sup>th</sup> Anniversary Celebration which is coming up next year. Mr. Tucker stated that he will be asking Mayor Persichilli to appoint a committee to work on the celebration.

Mr. Tucker stated that Mayor Persichilli, on behalf of the Borough Council and himself sent a letter thanking Mrs. Denise Hannson for donating her time, talents and needed plants for the flower pots outside of Borough Hall.

**Approval of Minutes**

Council Member Griffiths made a motion to approve the minutes of the July 14, 2014 Special Meeting, second by Council Member Lawver with all members present voting in favor with the exception of Mr. Davy who abstained.

Council Member Griffiths made a motion to approve the minutes of the August 4, 2014 Regular Meeting, second by Council Member Gnatt with all members present voting in favor.

Council Member Griffiths made a motion to approve the minutes of the September 8, 2014 Regular Meeting, second by Council Member Lawver with all members present voting in favor.

Council Member Lawver made a motion to approve the minutes of the September 18, 2014 Special Meeting, second by Council Member Gnatt with all members present voting in favor with the exception of Mr. Griffiths who abstained.

**Ordinances for Introduction**

Council President Tucker read Ordinance 2014-19 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE 2014-19**

**ORDINANCE PROHIBITING PARKING IN DESIGNATED  
STREET LOCATIONS AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, Borough Council, on the recommendation of its Public Safety Committee, seeks to improve the safety of Borough streets by prohibiting parking in designated locations;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, as follows:

1. Section 200-10 of the Code of the Borough of Pennington, concerning street locations on which parking is prohibited at all times, is amended to add additional street locations on which parking is prohibited, with new language underlined, as follows:

“No person shall park a vehicle at any time on any of the following streets or parts thereof:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Academy Street	North	From South Main Street west the entire length to Burd Street, except on Sundays and holidays
<u>Academy Street</u>	<u>South</u>	<u>From Burd Street east for 35 feet</u>
<u>Academy Street</u>	<u>South</u>	<u>From North Main Street west for 25 feet</u>
Baldwin Court	North	23 feet from the intersection with Baldwin Street for a distance of 900 feet
Borough Hall [Alley] <u>Driveway North</u>	<u>Both</u>	From Main Street west a distance of 100 feet
Borough Hall [Alley] <u>Driveway South</u>	<u>Both</u>	From Main Street west a distance of 128 feet
Burd Street	East	From Academy Street north a distance of 370 feet
Burd Street	East	From West Delaware Avenue south a distance of 145 feet
Burd Street	West	Entire length
East Delaware Avenue	North	From Main Street east a distance of 200 feet
East Delaware Avenue	South	From Main Street east a distance of 900 feet
East Franklin Avenue	South	Entire length
East Welling Avenue	South	From Baldwin Street west a distance of 50 feet
Green Avenue	East	From Broemel Place north to West Franklin Avenue
Green Avenue	West	From Broemel Place to West Delaware Avenue
<u>Laning Avenue</u>	<u>Both</u>	<u>West from South Main Street 25 feet</u>
North Main Street	Both	From Delaware Avenue north a distance of 65 feet
<u>North Main Street</u>	<u>West</u>	<u>North 40 feet from the South Borough Hall Driveway</u>
Railroad Place	Both	Entire length with the exception of the paved parking area on the old train station side
Reading Street	West	Entire length
South Main Street	East	From Academy Street to a point 200 feet north of Curlis Avenue, except on Sundays and holidays
South Main Street	East	From Delaware Avenue south a distance of 120 feet
South Main Street	East	From East Curlis Avenue south a distance of 65 feet
South Main Street	West	From Academy Street north a distance of 50 feet
South Main Street	West	From Delaware Avenue south for a distance of 199 feet to the entrance to Pennington Court
South Main Street	West	From Ingleside Avenue north a distance of 161 feet
South Main Street	West	From 199 feet south of Delaware Avenue for a distance of 508 feet, except Sunday
South Main Street Extension	West	From East Welling Avenue north a distance of 242 feet
South Main Street	West	From West Curlis Avenue north a distance of 50 feet

<u>South Main Street</u>	<u>West</u>	<u>North from Laning Avenue 35 feet</u>
<u>South Main Street</u>	<u>West</u>	<u>South from Laning Avenue 35 feet</u>
<u>South Main Street</u>	<u>West</u>	<u>South from Academy Street 35 feet</u>
West Delaware Avenue	North	From Main Street west a distance of 60 feet
West Delaware Avenue	North	From Green Avenue to a point 100 feet east thereof
West Delaware Avenue	North	From Green Avenue to the Borough limits
West Delaware Avenue	South	Entire length
West Franklin Avenue	North	Entire length
West Franklin Avenue	South	From Route 31 east the entire length to Knowles Street
West Franklin Avenue	South	From Green Avenue east for a distance of 50 feet

2. This ordinance shall be effective upon passage and publication as provided by law.

Council Member Lawver made a motion to introduce Ordinance 2014-19, second by Council Member Griffiths. Mr. Marciante stated that there has been discussion about dangerous intersections in town and this Ordinance will correct several of those issues. There was some discussion regarding the changes being made and also regarding other streets that should be looked at. Mr. Marciante stated that in response to a complaint that was heard at the last meeting, the signs on Academy Street have been removed. Mr. Marciante stated that the ordinance does not have to be amended at this time because if there is no sign there can be no enforcement of the ordinance. Mr. Marciante stated that as soon as the signs came down, students from the Pennington School once again parked there. Mr. Marciante stated this issue can be revisited once the current homeowners sell their house. Mr. Bliss stated that it is still unlawful to park there and the reason it can't be enforced is because the perpetrator would not have notice that he is offending the law. Mr. Bliss stated that at any time the police can put cones out to prohibit parking because there is an ordinance in place. Mr. Bliss stated that he had a couple minor changes to the ordinance. Upon a roll call vote, all members present voted in favor of the Ordinance as amended by the Borough Attorney.

Council President Tucker read Ordinance 2014-20 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2014-20**

**AN ORDINANCE AMENDING CERTAIN UNIFORM CONSTRUCTION CODE FEES AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, the State of New Jersey, Department of Community Affairs requires the Borough of Pennington to collect certain fees on their behalf; and

**WHEREAS**, Borough Council seeks to incorporate these fees into Chapter 98 of the Code of the Borough of Pennington, concerning Fees;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, as follows:

1. Article XV, Chapter 98 of the Code of the Borough of Pennington, concerning Uniform Construction Code fees, is hereby amended under Section 98-55 to increase the fee for training and certification of inspectors, as follows (with deletion of existing fees denoted by brackets [ ] and new fees denoted by underlining):

**§ 98-55. Fee for training and certification of inspectors.**

A fee will be charged for training and certifications of inspectors as required in accordance with N.J.A. C. 5:23-4.19(b). [The fee shall be \$0.00265 per cubic foot of volume of new buildings and additions and \$0.00135 per \$1,000 of the value of construction for alterations.] The fee shall be in the amount of \$.00371 per cubic foot volume of new buildings and additions. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The fee for all other construction including alterations shall be \$0.00190 per dollar of the cost of alteration.

2. This ordinance shall be effective upon passage and publication as provided by law.

Council Member Griffiths made a motion to introduce Ordinance 2014-20, second by Council Member

Gnatt. Mr. Davy asked what precipitated this change. Mr. Bliss stated that the State Regulation was changed and the fee would have changed regardless of our ordinance, but this brings our ordinance up to date. Upon a roll call vote, all members present voted in favor of the Ordinance.

### **Committee Reports**

**Planning & Zoning / Environmental Commission / Economic Development / Open Space / Library –**  
Mrs. Gnatt reported that the Planning Board did not meet in September.

Mrs. Gnatt stated that the Library Board did meet and she would like to report that the Library has received an unexpected bequest from Joyce Smith in the amount of \$25,000 and that money will be placed in the restricted book fund for purchase of books. Mrs. Gnatt stated that the Library has also received a Pennington Day Grant in the amount of \$7,500 which will be used along with another donation and additional funding in the amount of \$5,500 for the new website. Mrs. Gnatt stated that a meeting will be coming up to work on the new website and she will try to be there to report back as to what is decided.

Mrs. Gnatt stated that the summer programs and trips went well. Mrs. Gnatt stated that new lighting has been installed and more lighting has been approved.

Mrs. Gnatt stated that she was asked to pose a question to Council regarding payments to the Borough and allocation of expenses. Mrs. Gnatt stated that the Library Board has decided that they will make the 2013 payment to the Borough and they are asking in return that the Borough remit payment of unused funds for 2012 and they also had a question about a \$5,500 charge. Mrs. Sterling stated that the \$5,500 is due from the library to the Borough for bills that were covered in 2013 for the library because the library budget had been expended. Mrs. Sterling stated that these were bills for utility charges, janitorial charges and payroll expenses. Mrs. Sterling stated that the administrative fee for 2013 and now 2014 in the amount of \$4,000 each year are also still due to the Borough. Mrs. Heinzl stated that at the end of the calendar year if there are funds left in the Library budget that are unexpended, the Library can request excess funds be turned over to the Library. Mrs. Sterling stated that in 2012 there were funds left in the budget for the Library and Council approved the Library request for those funds. Mrs. Sterling stated that Council approved the payment pending receipt of the Administration fee for 2013. Mrs. Sterling stated that the 2012 funds are encumbered on a purchase order and ready to be paid to the Library. Mrs. Sterling stated that in the course of doing the audit, she sat down with the Borough Administrator and came up with a summary of expenses that were due from the Library and that was presented to them. Mrs. Sterling stated that the \$5,500 is also due from the Library and following a meeting with the Library Treasurer and Library Director, they agreed to pay the charges. Mrs. Sterling stated that in return the purchase order for 2012 expenses would then be paid to the Library. Mr. Davy stated that this appears in our audit and it needs to be cleaned up before the end of the year. Mrs. Sterling stated that the Library agrees to the Administrative fee each year and they agreed to reimburse the \$5,500 to the Borough, but no payments have been made to date. Mrs. Heinzl stated that she is not entirely clear as to what the Library is requesting. Mrs. Heinzl stated that there was an agreement as to what the numbers were and it sounds like maybe the timing of the payments is what needs to be discussed. Mrs. Gnatt stated that the Board also requested a figure for if Mrs. Sterling only processed payroll. Mr. Griffiths stated that Council is not going to respond to that and this is not a nickel and dime line item. Mr. Griffiths stated that for \$4,000 the Library is getting about \$20,000 in services and if they don't want to pay the \$4,000, they would have to hire their own purchasing agent and payroll person and do the work in-house which would be quite costly. Mrs. Sterling stated that there are a lot of requirements that the Library would have to meet in order to do the work in house and that is all currently being done for them. Mrs. Sterling stated that numerous meetings have been held with various Board Members, the Borough Auditor, the Chief Financial Officer and Library staff to try to answer questions about the charges and to provide an understanding of what is involved other than processing purchase orders and payroll for the Library. Mrs. Heinzl stated that maybe what is needed in this case is a memorandum of understanding that can be presented to the Library Board to alleviate these questions.

Mrs. Gnatt reported that the Open Space Committee did not meet this past month. Mrs. Gnatt stated that we are still waiting to hear back regarding the contract on the Brown property. Mrs. Gnatt stated that Mr. Ogren did submit the application to Green Acres for the Carter Road property. Mrs. Gnatt stated that a meeting was held in August and there was some discussion about plans for acquisition of the Carter Road property and what funds will be needed.

Mrs. Gnatt stated that there are a fair amount of things going on with regard to Economic Development. Mrs. Gnatt stated that a couple of new members were introduced and Mr. Winn Thompson attended the meeting and gave a wonderful presentation on the Pennington School and development of the Capital Health site. Mrs. Gnatt stated that quite a few businesses in Pennington are owned by women and there is going to be an event sponsored by the Pennington Business and Professional Association called Hope is in the Bag in the month of October in support of cancer awareness. Mrs. Gnatt stated that all proceeds raised will be donated to the Capital Health Center for Oncology to purchase wigs and the goal is to raise enough funds to purchase ten wigs. Mrs. Gnatt stated that the event will take place during the week of October 18<sup>th</sup> through October 25<sup>th</sup>.

Mrs. Gnatt reported that the Environmental Commission voted to join ANJEC for this year in appreciation of their help with the funding for the Trail Brochure. Mrs. Gnatt stated that the Commission discussed the Penn East Pipeline and they have decided not to take a position on this until more information is provided.

Mr. Marciante asked with regard to the Lawrence-Hopewell Trail Project who is responsible for maintaining the trail. Mrs. Heinzl stated that under the agreement, now that construction is complete, Hopewell Township will take over ownership of the trail. Mrs. Heinzl stated that the Township has an agreement with Bristol-Myers Squibb for maintaining the trail itself and Mercer County will maintain the guardrail. Mr. Marciante stated that it is not being maintained. Mrs. Heinzl stated that she will send Mr. Pogorzelski a note regarding maintenance of the trail.

**Parks & Recreation** – Mr. Lawver stated that the Parks and Recreation Commission met in September and the next event will be a Movie/Concert night at Kunkel Park on October 12, 2014. Mr. Lawver stated that they are in need of new members and they are particularly looking for someone to represent the seniors. Mr. Lawver stated that the commission will be working on a calendar for next year's events and they are hoping to change things up a bit and have more consistency. Mr. Lawver stated that they are looking at a "First Friday" concept for scheduling of concerts and events during the summer.

**Personnel / Public Works** – Mr. Davy had no report for Personnel. Mr. Davy reported that a copy of the Planning and Environmental Assessment document prepared by Van Note Harvey was included in council packages. Mr. Davy stated that this is the document that will need to be filed in order to apply for NJEIT Funds.

Mr. Davy stated that the Public Works Committee considered a proposal that was put forth by Ricky Smith regarding bio-degradable yard waste bags. Mr. Davy stated that utilizing Recycling Tonnage Grant funds every resident would be provided with five bags for yard waste. Mr. Davy stated that Mr. Smith reported that right now disposal of yard waste that is collected with regular garbage is costing the Borough \$110 per ton. Mr. Davy reported that utilizing these bio-degradable bags would allow the Borough to collect and dispose of yard waste for \$30 per ton. Mr. Davy stated that the cost savings are hard to quantify, but there is potential for producing large savings over time. Mr. Davy stated that a pallet of bags that would provide for five bags per resident costs \$3,045.20 and those funds are available under the Recycling Tonnage Grant funds. Mr. Davy stated that the Public Works Committee is recommending that Council agree to purchase the bags and move forward with this idea.

Mr. Lawver asked if this would require any ordinance changes. Mr. Davy stated that before any changes are made he would like to test out the idea and see if it produces any real savings. Mr. Smith stated that he would like to try to introduce this transition by knocking on doors and distributing bags as yard waste is put at the curb.

Mr. Lawver suggested that when the bags are distributed that a flyer be included explaining the program. Mr. Griffiths suggested also putting an insert in the next water bill mailing and also something in the Hopewell Valley News.

Mr. Bliss stated that Council can orally approve the purchase and it can be ratified with details at the next meeting. Mr. Davy made a motion to approve the purchase of bio-degradable yard waste bags at a cost of \$3,045.20 from the vendor as per their proposal, second by Mr. Marciante with all members present voting in favor.

Mr. Davy stated that a request was made to the owner of the Village Salon regarding the proposed planter boxes for the corner of Main and Delaware. Mr. Davy stated that a form of agreement has been provided to David Clark's attorney and we are waiting for a response.

**Public Safety / Shade Tree** – Mr. Marciante reported that the Borough has taken possession of the new 2014 Police Interceptor and it is ready to go once it has been registered. Mr. Marciante stated that there are a couple of large repair bills on the bill list for two of the older vehicles. Mr. Marciante stated that the Borough now has three new vehicles and one older vehicle so the repair bills should go down.

Mr. Marciante stated that with regard to Code Red, it is our understanding that Mercer County is able to provide all services that the Borough would need and they are working on the particulars. Mr. Marciante stated that Hopewell Township is not going to sign on with Mercer County. Mrs. Heinzl stated that Mercer County is willing to allow the Borough to have in house access to Code Red so that we can access the system without having to go through Mercer County. Mr. Marciante stated that this will be available at no charge for two years. Mrs. Heinzl stated that her contact at the County is waiting for authorization which should be coming on Thursday. Mrs. Heinzl stated that she will be following up on Thursday and once everything is authorized, they will come out and train the authorized users. Mrs. Heinzl stated that with Council permission she will following up on Thursday and set up the training.

**Finance** – Mr. Griffiths stated that the finance committee did not meet in September. Mr. Griffiths stated that the finance committee will be meeting in the near future to begin discussing the 2015 budget.

**Historic Preservation / Board of Health / Senior Advisory Board** – Mr. Tucker reported that flu shots will be available on October 22<sup>nd</sup> and the rabies clinic will be held November 4<sup>th</sup> at Hopewell Borough Hall and November 15<sup>th</sup> at the Train Station. Mr. Tucker stated that the Explorations Program for seniors and others will offer five new sessions ranging from four to six weeks. Mr. Tucker reported that the building that was going to be used for a senior center does not have adequate parking and if no solution is found for the parking, the seniors will not be able to use the building. Mr. Tucker stated that discussions took place with regard to the current senior center and extensive repairs that need to be done. Mr. Tucker stated that the

building needs new siding, a new roof, a hand washing sink in the kitchen and replacement of chairs. Mr. Tucker stated that perhaps Mr. Smith should take a look at the building to see what needs to be done. Mr. Tucker stated that we will need to allocate funds in the 2015 budget for repairs at the Senior Center. Mr. Griffiths stated that in response to an e-mail from Mr. Tucker he asked about safety in the parking lot. Mr. Griffiths stated that it seems the other repairs can wait until a decision is made as to whether or not the current building will continue to be used. Mr. Griffiths stated that with regard to the parking lot, there is the risk that someone might fall and so repairs to the parking lot should be done as soon as possible. Mr. Lawver stated that if the current senior center is no longer going to be used by the seniors, then the plan is to put the parcel up for sale to be developed for some other purpose. Mr. Tucker stated that with regard to the parking lot a request has been made for more handicapped spaces. Mr. Tucker stated that he understands that no action is needed to add handicap spaces so that could be done at any time. Some discussion took place with regard to renovating the current Senior Center with County funds that are available.

Mr. Tucker stated that he attended a meeting of the Historic Preservation Commission; Barbara Von Oeshen submitted an application for work at 238 South Main Street. Mr. Tucker stated that the Commission approved a Certificate of Appropriateness for the residence. Mr. Tucker stated that the work includes siding, shutters and porch columns. Mr. Tucker stated that Chairman Eric Holterman has given minor approval for work at 47 South Main Street and work is in progress at 126 South Main Street. Mr. Tucker stated that there was some discussion about presenting awards for buildings that have been historically preserved. Mr. Tucker stated that he mentioned to the Commission, the possibility of a celebration for Pennington’s 125<sup>th</sup> Anniversary which is next year. Mr. Tucker stated that he has discussed this with Mayor Persichilli and volunteers are being sought to form a committee to organize this event. Mr. Tucker presented some ideas and suggestions for the celebration.

Mrs. Gnatt stated that the Economic Development Commission has requested that Borough Council review the ordinance pertaining to grease interceptors as they feel that it is a deterrent for potential food businesses in town. Mr. Lawver suggested that request be referred to the Public Works Committee for review. Mrs. Gnatt stated that the Economic Development Commission also requested information as to when the budget is approved.

Mrs. Gnatt stated that Mr. Thompson also gave a report on Commercial vs. Residential real estate transactions in the Borough. Mrs. Gnatt stated that there has been a lot of residential activity in the past year out of 500 units 38 sold and 5 were under contract however commercial activity was not so good.

Mrs. Gnatt stated that Mr. Thompson reported on the landfill site and it was noted that the next step is for Borough Council to begin marketing the property.

**New Business**

**BOROUGH OF PENNINGTON  
RESOLUTION #2014 – 10.2**

**AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,087,757.81 from the following accounts:

Current	\$ 866,517.27
W/S Operating	\$ 182,112.96
Developers’ Escrow	\$ 349.50
Grant Fund	\$ 21,458.58
General Capital	\$ 16,600.90
Animal Control	\$ 9.60
Other Trust	\$ 709.00
<b>TOTAL</b>	<b>\$ 1,087,757.81</b>

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	S				Marciante	X			
Griffiths	M				Tucker	X			

Council Member Griffiths made a motion to approve Resolution 2014-10.2, second by Council Member

Gnatt. Mr. Lawver had questions on a couple of bills and upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION #2014 – 10.3**

**RESOLUTION REQUESTING EXTENSION OF AWARD DATE FROM THE NEW JERSEY  
DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO  
UPPER KING GEORGE ROAD UNDER THE 2014 ROAD IMPROVEMENT PROJECT**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) awarded funding for the 2014 fiscal year to the Borough of Pennington for a project consisting of improvements to King George Road in the amount of \$283,500.00; and

**WHEREAS**, on June 12, 2014, the Borough entered into a grant agreement with the NJDOT accepting this award; and

**WHEREAS**, the NJDOT has advised that the construction contract must be awarded within 18 months from the date of the execution of the grant agreement which is December 12, 2015; and

**WHEREAS**, failure to award a construction contract by December 12, 2015 would jeopardize the use of State funds on this project; and

**WHEREAS**, Mayor and Council believe that an extension of time for one year is necessary because the project includes repairs to the infrastructure under the road and the Borough is in the process of applying for New Jersey Environmental Infrastructure Trust Funds;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the Borough Council requests from the New Jersey Department of Transportation a one – year extension of the award date to December 12, 2016.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Davy	S				Lawver	X			
Gnatt	X				Marciante	M			
Griffiths	X				Tucker	X			

Council Member Marciante made a motion to approve Resolution 2014-10.3, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2014-10.4**

**RESOLUTION AUTHORIZING WATER RESOURCE MANAGEMENT, INC. TO REVIEW  
WATER AND SEWER ORDINANCES WITH RESPECT TO USER RESPONSIBILITY FOR  
WATER AND SEWER LATERALS**

**WHEREAS**, Water Resource Management, Inc. (“WRM”) is the Licensed Operator of the Borough’s water and sewer systems;

**WHEREAS**, Borough Council is considering revisions to the Borough’s water and sewer ordinances with respect to property-owner responsibility for maintenance and repair of water and sewer laterals under the public right of way;

**WHEREAS**, Borough Council seeks to include in this review research concerning practices of other municipalities and water and sewer operators with similarly-sized water and sewer systems;

**WHEREAS**, WRM has the requisite expertise to perform this research, including familiarity with both the Borough’s water and sewer systems and systems in other communities;

**WHEREAS**, WRM has submitted the attached proposal for the work estimating that it will require no more than 10 hours, to be charged at WRM’s current contract rate of \$90 per hour, for a total project cost not to exceed \$900;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the WRM proposal is hereby accepted and issuance of a purchase order to WRM not to exceed total cost of \$900. is hereby authorized.

**Record of Council Vote on Passage**

<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>	<b>COUNCILMAN</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B.</b>
Davy	S				Lawver	X			
Gnatt	X				Marciante	M			
Griffiths	X				Tucker	X			

Council Member Marciante made a motion to approve Resolution 2014-10.4, second by Council Member Davy. Mr. Davy stated that this will allow Water Resource Management to conduct a comprehensive review of all of our ordinances so that we can avoid issues like the one on Baldwin Street in the future. Upon a roll call vote, all members present voted in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION NO. 2014-10.5**

**RESOLUTION MEMORIALIZING AUTHORIZATION OF VAN NOTE-HARVEY ASSOCIATES TO PREPARE AND SUBMIT LETTER OF INTENT FOR NJEIT GRANT FOR WATER MAIN REPLACEMENT ON KING GEORGE ROAD AND PARK AVENUE**

**WHEREAS**, on July 7, 2014, Borough Council authorized Van Note-Harvey Associates, P.C., its Water and Sewer Engineer, to prepare and submit a letter of intent to apply for funding through the NJEIT grant program for water main replacement on King George Road and Park Avenue in the Borough;

**WHEREAS**, the authorization by Borough Council to engage Van Note-Harvey Associates for this purpose was subject to the condition that the fees for these services not exceed \$11,000;

**WHEREAS**, Van- Note Harvey Associates has since been issued a purchase order for this work providing for billing on a time and materials basis in accordance with Van Note-Harvey standard hourly rates for Pennington Borough, for total fees not to exceed \$11,000;

**WHEREAS**, the purpose of this resolution is to memorialize the authorization of Borough Council on July 7, 2014 and to ratify issuance of the aforesaid purchase order;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Van-Note Harvey Associates is authorized to prepare and submit the aforesaid letter of intent on the terms indicated and the aforesaid purchase order is ratified and approved.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	S				Lawver	X			
Gnatt	X				Marciante	M			
Griffiths	X				Tucker	X			

Council Member Marciante made a motion to approve Resolution 2014-10.5, second by Council Member Davy with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION #2014 – 10.6**

**RESOLUTION AUTHORIZING A BUS STOP ON BROEMEL PLACE**

**WHEREAS**, the Borough of Pennington is in receipt of a letter from NJ Transit dated June 18, 2014, requesting an additional bus stop on Broemel Place;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that pursuant to N.J.S.A. 39:4-8(e) the following described location is designated as a bus stop:

Along Broemel Place, eastbound, on the southerly side, beginning 250 feet east of the State Highway 31 easterly curblin and extending 100 feet east therefrom.

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Pennington will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	S			
Gnatt	X				Marciante	M			
Griffiths	X				Tucker	X			

Council Member Marciante made a motion to approve Resolution 2014-10.6, second by Council Member Lawver with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION 2014-10.7**

**RESOLUTION APPROVING A CORRECTIVE ACTION PLAN  
 FOR THE 2013 AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the 2013 annual audit of the Borough of Pennington contained a recommendation requiring action; and

**WHEREAS**, the Chief Financial Officer in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, Local Finance Notice 1992-15 and Single Audit Act, U.S. Office of Management and Budget Circular A-128, and New Jersey Office of Management and Budget Circular Letter 87-11, has developed the attached plan to address the recommendations listed by the Auditor.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the Corrective Action Plan for the 2013 Annual Municipal Audit, is hereby approved and accepted.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	M			
Gnatt	X				Marciante	X			
Griffiths	S				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2014-10.7, second by Council Member Griffiths with all members present voting in favor.

**BOROUGH OF PENNINGTON  
 RESOLUTION #2014 – 10.8**

**RESOLUTION AUTHORIZING PAYMENT REQUEST NO. 6 (FINAL) TO  
 A&A CURBING, INC. FOR WORK COMPLETED ON DOWNTOWN STREETSCAPE  
 IMPROVEMENTS**

**WHEREAS**, A&A Curbing, Inc. has completed work pursuant to the contract for Downtown Streetscape Improvements (Roberts Engineering Group, file no. PEN3704); and

**WHEREAS**, Roberts Engineering Group has reviewed application for payment by A&A Curbing, Inc. and recommends payment of same pursuant to the Contractor’s Request for Payment No.6 in the amount of \$4,980.17, including all retainage, subject to approval of close-out documents by the Borough Attorney; and

**WHEREAS**, the Borough Attorney has reviewed and approved the close-out documents;

**WHEREAS**, this is the final payment under the contract except as further authorized by Borough Resolution 2014-7.17 in settlement of Borough claims relating to the project; and

**WHEREAS**, funds are available in Account #: T-03-00-850-850-256; and

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that payment to A&A Curbing, Inc. in the amount of \$4,980.17 pursuant to payment request No.6 (final) is hereby authorized.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	M			
Gnatt	X				Marciante	X			
Griffiths	S				Tucker	X			

Council Member Lawver made a motion to approve Resolution 2014-10.8, second by Council Member Griffiths with all members present voting in favor.

**Council Discussion**

**Workshop Agenda – October 20, 2014** – Mrs. Heinzl distributed a tentative agenda for Council to review for the Workshop Agenda scheduled for October 20, 2014. Mrs. Heinzl stated that if there are any other items that need to be on the agenda, Council Members should let her know.

**On-Line Auctions** – Mrs. Heinzl stated that she provided Council Members with a copy of a Local Finance Notice regarding on-line auctions. Mrs. Heinzl stated that she has done a little bit of background work

regarding approved sites for on-line auctions. Mrs. Heinzl stated that the first step is to compile a list of items and pass a resolution.

**Professional Reports**

Mr. Bliss stated that he has asked for a Closed Session.

**Public Comment**

**Please come forward and state your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

There were no comments from the public.

**Closed Session**

**AT, 8:20 PM, BE IT RESOLVED**, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Potential Litigation – Sewer Lateral – 17 Baldwin Street

At 8:25 PM, Council returned to Open Session

**Closed Session Minutes (approval for content but not for release)**

Council Member Marciante made a motion to approve the minutes of the July 7, 2014 Closed Session, second by Council Member Lawver with all members present voting in favor.

Council Member Lawver made a motion to approve the minutes of the September 18, 2014 Closed Session, second by Council Member Marciante with all members present voting in favor.

Mrs. Heinzl stated that for the record it should be noted that Steve Kohke did not appear at the meeting to discuss his request to encroach on a Borough easement. Mr. Bliss stated that the request is deficient because a sketch of the encroachment of their driveway and fence on the easement is needed. Mr. Bliss stated that Council can address the request at the next meeting.

At 9:12 PM, Council Member Lawver made a motion to adjourn the meeting, second by Council Member Marciante.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk